

IC 15-8-3

Chapter 3. Grantee's Rights and Duties

IC 15-8-3-1

Duties of grantee

Sec. 1. A grantee shall:

- (1) employ and train counselors who are experienced and knowledgeable in farming;
- (2) employ attorneys to supervise the activities of the counselors providing services to farmers; and
- (3) employ and train any other staff needed to carry out the purposes of this chapter.

As added by P.L. 7-1996, SEC.2.

IC 15-8-3-2

Acceptance of applications for services; negotiating debt restructuring settlements

Sec. 2. (a) A grantee shall accept applications for services to farmers, including the following:

- (1) Accepting telephone inquiries from farmers.
- (2) Developing a system to provide referral services to benefit farmers in cooperation with:
 - (A) private farm, financial, and attorney bar organizations; and
 - (B) public agencies and institutions.
- (3) Fostering strong relationships with government and private lending institutions in order to facilitate a stronger line of communication between farmers and lenders.
- (4) Informing farmers about policies, practices, and procedures of lenders.
- (5) Training and educating farmers about laws that affect them, particularly new legislation on debt restructuring, mediation, debtor exemptions, land leases, chattel securities, homestead redemptions, and financial problems related to the Farm Credit System, the Consolidated Farm Services Agency, and conventional lending institutions.
- (6) Providing borrower training sessions in cooperation with the United States Department of Agriculture.
- (7) At the request of a farmer who is borrowing money, assisting the farmer with loan applications and other legal documents.
- (8) Assisting a farmer in organizing farm operations as a corporation, an S corporation, a partnership, or any other business entity, as suits the farmer's particular needs.
- (9) Assisting the farmer with estate planning.
- (10) Negotiating a debt restructuring settlement between a farmer and the farmer's creditors.
- (11) Representing the farmer in court on matters related to the farming operation if:
 - (A) the farmer is not able to obtain representation from the

private bar; or

(B) the nature of the farmer's case does not make it feasible for the farmer to obtain other legal representation.

(b) The service of negotiating a debt restructuring settlement between a farmer and the farmer's creditors under subsection (a)(10) may include the following:

(1) Providing guidance on restructuring debt, including guidance concerning:

(A) chapters 7, 11, 12, and 13 of the federal bankruptcy law (11 U.S.C. 101 et seq.); or

(B) assignments for the benefit of creditors under IC 32-18-1.

(2) Arranging for a meeting between a farmer and the farmer's creditors.

(3) At a farmer's request, sending a counselor to meetings between lenders and borrowers to facilitate communications.

(4) Advising and assisting a farmer and the farmer's creditors in reaching an agreement.

(5) Assisting a farmer in preparing a debt restructuring proposal.

As added by P.L.7-1996, SEC.2. Amended by P.L.2-2002, SEC.66.

IC 15-8-3-3

Settlement agreements

Sec. 3. A settlement agreement that is entered into between a farmer who receives counseling from a grantee under this chapter and the farmer's creditors must be:

(1) in writing; and

(2) signed by the farmer, the creditor, and the counselor.

As added by P.L.7-1996, SEC.2.